THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 21102 OF 2003

Dated 25th July 2007

Between:

G.Prameela W/o.Seshagiri Rao

…Petitioner

and

The Addl.Assistant Engineer (Operation)
N.P.Discom, A.P.,Ltd., Nelakondapalli vill & Mandal,
Khammam District.

…Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION No. 21102 OF 2003

O R D E R:

The petitioner is a tenant, in respect of certain agricultural lands in Survey Nos.96/E, etc., at Nelakondapalli village. She has got her own patta lands in the neighbourhood, and she had agricultural power supply connection. With the approval of the respondent Distribution Company, that connection was shifted to the bore well existing in the land taken by her, on lease.

Another neighbouring owner, by name Krishna Murthy, is said to have dug a bore well, contrary to the relevant provisions of law. Feeling aggrieved by that, the landlady of the petitioner, by name Susheela, submitted a representation to the respondent, requesting him not to extend power supply to the newly dug bore well. Correspondence ensued between the respondent and the landlady of the petitioner. Ultimately, the respondent disconnected the power supply to the bore well being used by the petitioner. Hence, this writ petition.

The respondent filed a counter affidavit, narrating the circumstances that led to the disconnection of power supply. However, it is not denied that the petitioner was not issued any show-cause notice, before the supply was disconnected to Service Connection No.1420.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent.

The record discloses that much correspondence ensued between the respondent, on the one hand, and the landlady of the petitioner, on the other hand. It was in relation to the legality or otherwise of the extension of power supply to the bore well dug by Krishna Murthy. The respondent initially refused to act upon the representation of the landlady of the petitioner, on the ground that no service connection stands in her name. When it was explained to him that the power supply connection, that stood in the name of the petitioner, was shifted to the leased land, the respondent disconnected the same, without issuing notice to the petitioner.

If the respondent has noticed any violation, on the part of the petitioner, in the matter of availing power supply through S.C.No.1420, it was obligatory on his part, to issue notice to the petitioner, and take further action, thereafter. Admittedly, no such notice was issued. On this short ground, the writ petition deserves to be allowed. In pursuance of an interim order issued by this court, the respondent has already restored power supply to S.C.No.1420.

In that view of the matter, the writ petition is disposed of, directing the respondent to continue the power supply to the Service Connection No.1420, unless and until it is disconnected, by following

the procedure prescribed by law. There shall be no order as to costs.

25th July 2007

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